

Docket No.: 041-1790-21

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Takayuki SUGAHARA

Serial No. 09/993,264

Filed: 11/26/2001

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Group Art Unit: 2613

Examiner: LEE, Y YOUNG

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OCT 08 2004

For: APPARATUS FOR PROTECTION OF DATA REPRODUCTION ACCORDING TO MEDIUM PROTECTION DATA AND FIRST AND SECOND APPARATUS PROTECTION DATA, TO DETERMINE WHETHER MAIN DATA ARE REPRODUCED IN THEIR ENTIRETY, PARTIALLY, OR NOT AT ALL AND A RANGE OF PROTECTION LEVEL THEREFOR, as amended

**TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321 and
SUBMISSION UNDER 37 C.F.R. 3.73(b)**

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

Through and by its undersigned attorney of record, VICTOR COMPANY OF JAPAN, LTD., a corporation of Japan and having an office at 3-12, Moriya-Cho, Kanagawa-ku, YOKOHAMA, JAPAN, represents that it is the Assignee of the entire right, title and interest in and to the instant U. S. Application Serial No. 09/993,264, entitled **APPARATUS FOR PROTECTION OF DATA REPRODUCTION ACCORDING TO MEDIUM PROTECTION DATA AND FIRST AND SECOND APPARATUS PROTECTION DATA, TO DETERMINE WHETHER MAIN DATA ARE REPRODUCED IN THEIR ENTIRETY, PARTIALLY, OR NOT AT ALL AND A RANGE OF PROTECTION LEVEL THEREFOR**, as amended, filed on NOVEMBER 26, 2001, by virtue of an Assignment recorded on MARCH 28, 1995 at Reel 7401, Frames 0708-0709, as filed in prior U. S. Application Serial No. 08/391,861, said prior application having been filed FEBRUARY 22,

10/13/2004 AWONDAF1 00000011 09993264

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1995, a continuation thereof having issued as U. S. Patent No. 6,212,329 B1.

VICTOR COMPANY OF JAPAN, LTD. further represents that, by virtue of said Assignment recorded at Reel 7401, Frames 0708-0709, it is the Assignee of the entire right, title and interest in and to the U. S. Patents identified in Table 1 below, as clearly set forth therein, each of said patents having been filed November 26, 2001.

<u>Patent No</u>	<u>Serial No</u>	<u>Issue Date</u>
6,654,415	09/991,929	November 25, 2003
6,553,067	09/991,930	April 22, 2003
6,600,781	09/991,941	July 29, 2003
6,600,782	09/991,942	July 29, 2003
6,487,247	09/991,662	November 26, 2002
6,590,935	09/991,663	July 8, 2003
6,570,920	09/991,664	May 27, 2003
6,498,813	09/991,665	December 24, 2002
6,493,382	09/991,712	December 10, 2002
6,466,619	09/991,713	October 15, 2002
6,522,692	09/991,777	February 18, 2003
6,532,261	09/991,778	March 11, 2003
6,542,543	09/991,779	April 1, 2003
6,539,053	09/991,788	March 25, 2003
6,483,873	09/991,789	November 19, 2002
6,763,065	09/991,940	July 13, 2004
6,735,251	09/991,943	May 11, 2004
6,741,647	09/991,944	May 25, 2004
6,760,375	09/991,945	July 6, 2004
6,763,066	09/991,946	July 13, 2004
6,493,383	09/993,265	December 10, 2002

TABLE 1

VICTOR COMPANY OF JAPAN, LTD. further represents that, by virtue of said Assignment recorded at Reel 7401, Frames 0708-0709, it is the Assignee of the entire right, title and interest in and

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to the copending applications for U. S. Patent, identified in Table 2 below, each of said applications having been filed November 26, 2001.

09/991,939	09/992,023
09/991,988	09/992,024
09/991,989	09/992,025
09/991,990	09/992,026
09/991,992	09/992,070
09/992,021	09/992,071
09/992,022	

TABLE 2

VICTOR COMPANY OF JAPAN, LTD. hereby disclaims the terminal part of any patent granted on the instant U. S. Application Serial No. 09/993,264 which would extend beyond the expiration date of the full statutory term of said U. S. Patent No. 6,212,329 B1, issued APRIL 3, 2001, as may presently be shortened by any terminal disclaimer, or beyond the expiration date of the full statutory term of each of said U. S. Patents listed in Table 1, as may be shortened by any terminal disclaimer thereof, or beyond the expiration date of the full statutory term of each patent granted on any of said U. S. Patent applications listed in Table 2, as may be shortened by any terminal disclaimer thereof..

VICTOR COMPANY OF JAPAN, LTD. further agrees that any patent issuing on the instant U. S. Patent Application Serial No. 09/993,264 shall be enforceable only for and during the time that such a patent is commonly owned with said U. S. Patent No. 6,212,329 B1, with said Patents listed in Table 1 and with patents issued on said Patent applications listed in Table 2, this agreement to run with any such patent granted on said instant U. S. Patent Application Serial No. 09/993,264 and to be binding upon the grantee, its successor(s) or assign(s).

In making the above disclaimer, VICTOR COMPANY OF JAPAN, LTD. does not disclaim any

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terminal part of any patent granted on the instant application Serial No. 09/993,264 that would extend to the expiration date of the full statutory term of said U.S. Patent 6,212,329 B1, the full statutory terms of said Patents listed in Table 1 or the full statutory terms of patents issued on said Patent applications listed in Table 2, as defined in 35 U.S.C. 154 to 156 and 173, as may presently be shortened by any terminal disclaimer, in the event that said U.S. Patent 6,212,329 B1 or any of said Patents listed in Table 1 or patents issued on said Patent applications listed in Table 2 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

SUBMISSION UNDER 37 CFR 3.73(b)

Undersigned attorney of record hereby states, in accordance with the provisions of 37 CFR 3.73(b)(ii), that VICTOR COMPANY OF JAPAN, LTD., a corporation of JAPAN, is the assignee of the entire right, title and interest in the instant patent application as identified above by virtue of an assignment from the inventors of the instant patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 7401, Frames 0708-0709.

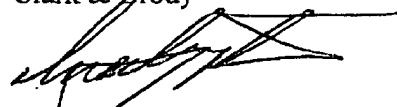
The undersigned attorney of record has reviewed all the documents in the chain of title of the instant patent application and, to the best knowledge and belief of the undersigned, title is in the assignee identified above.

The undersigned attorney of record declares that he is authorized to act on behalf of VICTOR COMPANY OF JAPAN, LTD. in this matter and further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like

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so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,
Clark & Brody



Israel Gopstein
Registration No. 27,333

1750 K Street, N.W. Suite 600
Washington, D.C. 20006
Date: October 8, 2004

(202) 835-1111
(202) 835-1755 (fax)